HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No. 21011 OF 1999

Between:

S. Hajee Peeran

.... Petitioner

AND

A.P. Transmission Corporation Ltd.,
Rep. by its Managing Director,
Hyderabad & another

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri V. Praveen Kumar

Counsel for the respondents : Shri Samineni Kishore

Dated: 24.01.2007

The petitioner, who worked as Telephone Operator on contract basis in the erstwhile Andhra Pradesh State Electricity Board (for short 'the Board'), has filed this petition for quashing

communication dated 02.06.1998 vide which Superintending Engineer (operation), Anantapur (respondent No.2) declined to consider his candidature for appointment on the post of Junior Lineman on the ground that at the time of initial appointment he was overage.

It is borne out from the record that the petitioner had earlier filed Writ Petition No.13780 of 1997 for issue of a mandamus to the respondents to consider his case in terms of B.P.Ms.No.36 dated 18.05.1997 which was disposed of by the learned Single Judge on 02.07.1997 with the direction to respondent No.2 to interview the petitioner. In compliance of the Court's order, respondent No.2 interviewed the petitioner, but rejected his candidature on the ground that he does not fulfill the condition of eligibility prescribed under B.P.Ms.No.36 dated 18.05.1997.

I have heard learned counsel for the parties and perused the record.

Clauses (4) and (5) of B.P.Ms.No.36 of 1997 on which reliance has been placed by the learned counsel for the parties read as under:

> " 4. The A.P.S.E. Board accordingly issues the following orders in supersession of the orders issued in the reference 2 & 3rd cited.
>
> i) Ex-Casual Labour:
>
> The Ex-Casual labour who were already interviewed but failed in the test and given second chance and also obtained interim orders from the High Court for consideration are only eligible for selection for appointment against 50% of the existing vacancies in accordance with the guidelines contained in Memo No.DP/DM-I./A3/1138/95-1, dt.26.9.1985 read with Memo No.D/DM-I/C2/2519/93 dt.14.9.93.
>
> ii) Village Electricity Workers:
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> In terms of the agreement dated 5.3.96, the cases of the village Electricity Workers shall be considered for selection and appointment against 50% of the existing vacancies subject to the condition that they are not eligible to derive any benefit for their earlier services and on selection

they will be appointed as fresh candidates in A.P.S.E. Board.

iii) Contract Labour:

The Contract labour other than those engaged in 33 abolished castegories in generating stations shall be considered for selection and appointment against 50% existing vacancies.

5. The conditions for selection of the candidates from the above categories shall be as follows:

a) Age: Age shall be reckoned as per Board's service regulations in force at the time of their first engagement. There shall be no relaxation of age.

b) Educational Qualifications: Educational Qualifications shall be as per Board's service regulations in force at the time of their first engagement. There shall be no relaxation of educational qualifications or other relevant technical qualifications with are prescribed in the service regulations for such appointment.

c) Seniority: The Seniority shall be reckoned based on the total period of service rendered by the respective candidates in the Unit as per muster rolls/wage register or as per the records maintained under the contract labour (Regulation and Abolition) Act, 1970. Separate seniority list shall be prepared for each category as per their eligibility. The continuous period of working shall be taken for purpose of reckoning in seniority in respect of village Electricity workers.

d) Rules of Reservation: The rule of reservation as per roster in terms of Reg.22 of A.P.S.E.B. Service Regulation Part-II shall be strictly followed.

e) Selection Committee:

i) Director personnel.

ii) Concerned Chief Engineer from Generating Station/Zone

iii) Deputy Secretary (Personnel)

iv) Director (Industrial Relations) –Member Convenor.

A reading of Clause 5(a) of the above reproduced extracts of B.P.Ms.No.36 makes it clear that a candidate who was overage at the time of initial engagement is not entitled to be considered for appointment in terms of the policy framed by the Board. The petitioner, as per his own showing, was aged 29 years at the time of initial engagement as contract labour in the year 1994

whereas the age prescribed for appointment on that post was 25 years. Therefore, the refusal of respondent No.2 to consider the petitioner's candidature for appointment as Junior Lineman cannot be termed as illegal.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.26342 of 1999 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

24.01.2007
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